

ENTERED

February 28, 2023

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION

CHAD ALLEN FORESHEE,

Plaintiff,

v.

BOBBY LUMPKIN,

Defendant.

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Civil Action No. 6:22-CV-00014

ORDER ACCEPTING MEMORANDUM AND RECOMMENDATION

Pending before the Court is the September 9, 2022 Memorandum and Recommendation ("M&R") of Magistrate Judge Julie K. Hampton. (Dkt. No. 15). In the M&R, Magistrate Judge Hampton recommends that the Court (1) grant Defendant's Motion to Dismiss, (Dkt. No. 12), and instructs the Clerk of the Court to send notice of Plaintiff's dismissal to the Manager of the Three Strikes List for the Southern District of Texas at Three_Strikes@txs.uscourts.gov. (Dkt. No. 15).

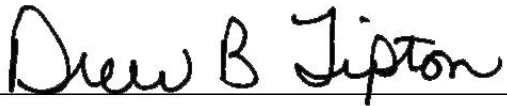
The Parties were provided proper notice and the opportunity to object to the M&R. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). No objections were filed. As a result, review is straightforward: plain error. *Guillory v. PPG Indus., Inc.*, 434 F.3d 303, 308 (5th Cir. 2005). No plain error appears.

Accordingly, the Court **ACCEPTS** the M&R, (Dkt. No. 15), as the Court's Memorandum Opinion and Order. The Court **GRANTS** the Defendant's Motion. Plaintiff's claims for money damages against Defendant in his official capacity are **DISMISSED WITHOUT PREJUDICE**. Plaintiff's claims for injunctive relief against

Defendants are **DISMISSED WITHOUT PREJUDICE**. Plaintiff's individual-capacity RLUIPA claim against Defendant in his official capacity and Plaintiff's RLUIPA claim seeking monetary damages are **DISMISSED WITH PEJUDICE**. Plaintiff's individual- and official-capacity First Amendment claim is **DISMISSED WITH PREJUDICE**. The Court of the Clerk is **INSTRUCTED** to send notice of this dismissal to the Manager of the Three Strikes List for the Southern District of Texas at Three_Strikes@txs.uscourts.gov.

It is SO ORDERED.

Signed on February 27, 2023.



DREW B. TIPTON
UNITED STATES DISTRICT JUDGE